



**STATE OF WISCONSIN  
JOINT LEGISLATIVE COUNCIL**

**REPORT NO. 10 TO THE 1999 LEGISLATURE**

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**LEGISLATION ON FAITH-BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE**

1999 ASSEMBLY BILL 533, Relating to Authorizing the Appointment of Assistant District Attorneys to Provide Restorative Justice Services; Authorizing Counties and the Department of Corrections to Contract With Religious Organizations for the Provision of Services Relating to Delinquency and Crime Prevention and the Rehabilitation of Offenders; Inmate Rehabilitation; Creating the Office of Government-Sectarian Facilitation; Establishing a Grant Program for a Neighborhood Organization Incubator; Distributing Funding for Alcohol and Other Drug Abuse Services; and Making Appropriations

Legislative Council Staff  
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**PART I**

**KEY PROVISIONS OF LEGISLATION; COMMITTEE  
AND JOINT LEGISLATIVE COUNCIL VOTES**

**A. 1999 ASSEMBLY BILL 533, RELATING TO AUTHORIZING THE APPOINTMENT OF ASSISTANT DISTRICT ATTORNEYS TO PROVIDE RESTORATIVE JUSTICE SERVICES; AUTHORIZING COUNTIES AND THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH RELIGIOUS ORGANIZATIONS FOR THE PROVISION OF SERVICES RELATING TO DELINQUENCY AND CRIME PREVENTION AND THE REHABILITATION OF OFFENDERS; INMATE REHABILITATION; CREATING THE OFFICE OF GOVERNMENT-SECTARIAN FACILITATION; ESTABLISHING A GRANT PROGRAM FOR A NEIGHBORHOOD ORGANIZATION INCUBATOR; DISTRIBUTING FUNDING FOR ALCOHOL AND OTHER DRUG ABUSE SERVICES; AND MAKING APPROPRIATIONS**

The key provisions of 1999 Assembly Bill 533, introduced by the Joint Legislative Council, are:

- **Establishment of Three Assistant District Attorney Project Positions to Engage in Restorative Justice Activities**

The bill authorizes one assistant district attorney project position each for Dane County, Milwaukee County and a county other than Milwaukee or Dane, to be selected by the Attorney General in consultation with the Department of Corrections (DOC). The three assistant district attorneys are to develop and operate restorative justice programming in these counties and assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. Restorative justice involves the victim, offender and community in determining how to address the harm caused by the commission of a crime. The bill appropriates \$108,300 general purpose revenue (GPR) in fiscal year 1999-2000 and \$144,300 GPR in fiscal year 2000-01 for these purposes.

- **Nondiscrimination Against Religious Organizations**

The bill authorizes the DOC and counties to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. These provisions, derived from the federal "Charitable Choice" law, are comparable to provisions of current law that address the issue of discrimination against religious organizations that apply to the Department of Health and Family Services (DHFS) and Department of Workforce (DWD) for certain funding.

- **Inmate Rehabilitation**

The bill authorizes the DOC to permit one or more nonprofit community-based organizations to operate, without compensation from the state, an inmate rehabilitation program in the Milwaukee alcohol and other drug abuse (AODA) treatment facility which is scheduled to commence operations in January 2001, if certain requirements set forth in the bill are met. The bill further provides that this newly created authority “sunsets” two years after an inmate rehabilitation program begins operation.

- **Establishment of the Office of Government-Sectarian Facilitation**

The bill establishes a temporary office of government-sectarian facilitation in the Department of Administration (DOA), headed by an official titled “the facilitator.” The office is to operate for three years and is required to: (1) assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations, commonly referred to as “Charitable Choice”; and (2) facilitate interaction between faith-based organizations and state and local government. The bill appropriates \$57,600 GPR in 1999-2000 and \$67,400 GPR in 2000-01 for the office of government-sectarian facilitation.

- **Establishment of a Neighborhood Organization Incubator Grant Program**

The bill authorizes the DHFS to award an “incubator grant” to an agency to enable the agency to assist neighborhood organizations to obtain funding and expand their services and appropriates \$100,000 GPR in each year of the 1999-2001 biennium for these grants. An agency receiving a grant is required to do all of the following: (1) provide information to neighborhood organizations about sources of public and private funding; (2) assist neighborhood organizations in obtaining funding and other assistance from public and private entities; (3) act as a liaison between neighborhood organizations and public and private funding sources; (4) provide appropriate training and professional development services to members of neighborhood organizations; (5) engage in outreach efforts to inform neighborhood organizations of the services available from the agency; and (6) undertake other activities to facilitate the effectiveness and development of neighborhood organizations.

- **Distribution of AODA Funding**

The bill requires DHFS and DOC to: (1) develop performance standards for AODA intervention and treatment services; (2) develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services; and (3) adopt policies to ensure that to the extent possible under state and federal law, all funding for AODA intervention and treatment services which they administer is distributed based on the effectiveness of the services in meeting department performance standards for AODA services. The bill further provides that DHFS and DOC must require every application for AODA funding to include a plan for the evaluation of the effectiveness of the AODA services provided by the applicant.

## **B. COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES**

### **1. Special Committee Votes**

The provisions which make up 1999 Assembly Bill 533 were presented to the Special Committee on Faith-Based Approaches to Crime Prevention and Justice as separate drafts pertaining to each major topic set forth below. The Special Committee voted on each draft separately. The Special Committee vote on each of these drafts is set forth below. The individual drafts were combined into an omnibus draft, LRB-3404/1, for recommendation to the Joint Legislative Council.

- **Establishment of two assistant district attorney positions to engage in restorative justice.** At its May 24, 1999 meeting, the Special Committee unanimously approved WLCS: 0125/1, relating to authorizing the appointment of an assistant district attorney to perform restorative justice services and making an appropriation, as amended (to add an additional assistant district attorney).
- **Nondiscrimination against religious organizations.** At its May 24, 1999 meeting, the Special Committee approved WLCS: 0132/1, relating to authorizing counties and the DOC to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders, as amended, on a vote of Ayes, 13 (Reps. Jensen, Carpenter, Black, Hahn, Owens and Travis; Sen. Darling; and Public Members Dobbe, Emberson, Hill, Muhammad, Steppe and Vergeront); Noes, 3 (Rep. Goetsch; and Public Members Lerman and Vineburg); and Absent, 1 (Public Member Utnehmer).
- **Inmate rehabilitation.** At its May 24, 1999 meeting, the Special Committee approved WLCS: 0133/1, relating to inmate rehabilitation, as amended, on a vote of Ayes, 10 (Reps. Jensen, Goetsch, Hahn and Owens; Sen. Darling; and Public Members Dobbe, Emberson, Hill, Steppe and Vergeront); Noes, 6 (Reps. Carpenter, Black and Travis; and Public Members Lerman, Muhammad and Vineburg); and Absent, 1 (Public Member Utnehmer).
- **Establishment of the office of government-sectarian facilitation.** By a mail ballot dated June 3, 1999, the Special Committee approved WLCS: 0136/2, relating to creating the office of government-sectarian facilitation and making an appropriation, as amended, on a vote of Ayes, 11 (Reps. Jensen, Goetsch and Hahn; Sen. Darling; and Public Members Dobbe, Lerman, Muhammad, Steppe, Utnehmer, Vergeront and Vineburg); Noes, 5 (Reps. Carpenter, Black, Owens and Travis; and Public Member Emberson); and Not Voting, 1 (Public Member Hill).

- **Establishment of a neighborhood organization incubator grant program.** By a mail ballot dated June 3, 1999, the Special Committee approved WLCS: 0139/2, relating to establishing a grant program for a neighborhood organization incubator and creating an appropriation, on a vote of Ayes, 12 (Reps. Jensen, Carpenter, Black and Owens; Sen. Darling; and Public Members Dobbe, Emberson, Lerman, Muhammad, Steppe, Utnehmer and Vergeront); Noes, 4 (Reps. Goetsch, Hahn and Travis; and Public Member Vineburg); and Not Voting, 1 (Public Member Hill).
- **AODA performance evaluations.** By a mail ballot dated June 3, 1999, the Special Committee approved WLCS: 0161/1, relating to performance evaluations of AODA services, on a vote of Ayes, 15 (Reps. Jensen, Carpenter, Black, Goetsch, Hahn and Owens; Sen. Darling; and Public Members Dobbe, Emberson, Lerman, Muhammad, Steppe, Utnehmer, Vergeront and Vineburg); Noes, 1 (Rep. Travis); and Not Voting, 1 (Public Member Hill).

## **2. Joint Legislative Council Votes**

At its September 23, 1999 meeting, the Joint Legislative Council adopted three amendments to LRB-3404/1.

First, the Joint Legislative Council adopted WLCS: 0197/1, to require DHFS and DOC to: (a) develop performance standards for AODA services; and (b) adopt policies to ensure that funding for AODA services which they administer is distributed based on the effectiveness of providers in meeting the performance standards. The amendment was adopted by a vote of Ayes, 21 (Reps. Kelso, Bock, Foti, Freese, Gard, Huber, Jensen, Krug, Schneider, Seratti and Stone; and Sens. Risser, Burke, Chvala, Cowles, Erpenbach, George, Grobschmidt, Robson, Rosenzweig and Zien); Noes, 0; and Absent, 1 (Sen. Ellis).

Second, the Joint Legislative Council adopted an amendment to authorize, rather than require, the DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in the Milwaukee AODA treatment facility. The amendment was adopted by a unanimous voice vote.

Third, the Joint Legislative Council adopted an amendment to: (a) increase from two to three the number of assistant attorney general project positions established to engage in restorative justice; and (b) specify that the county to which the additional assistant attorney general will be appointed is to be determined by the Attorney General in consultation with the DOC. The amendment was adopted by a unanimous voice vote.

The Joint Legislative Council then voted to introduce LRB-3404/1, as amended, by a vote of Ayes, 16 (Reps. Kelso, Foti, Freese, Gard, Huber, Jensen, Schneider, Seratti and Stone; and Sens. Risser, Burke, Cowles, George, Grobschmidt, Robson and Zien); Noes, 5 (Reps. Bock and Krug; and Sens. Chvala, Erpenbach and Rosenzweig); and Absent, 1 (Sen. Ellis).

## **PART II**

### **COMMITTEE ACTIVITY**

#### **A. ASSIGNMENT**

The Joint Legislative Council established the Special Committee on Faith-Based Approaches to Crime Prevention and Justice by a June 24, 1998 mail ballot. The Special Committee was directed to study means by which faith-based approaches to lessening crime rates, lowering recidivism and achieving restorative justice in the aftermath of criminal acts may be encouraged.

The membership of the Special Committee, appointed by a September 4, 1998 mail ballot, consisted of one Senator, seven Representatives, nine public members and one nonvoting public member.

A membership list of the Joint Legislative Council is included as **Appendix 1**. A list of the Committee membership is included as **Appendix 2**.

#### **B. SUMMARY OF MEETINGS**

The Special Committee held six meetings on the following dates (except as otherwise indicated, all of the meetings were held at the State Capitol in Madison):

December 2, 1998	March 11, 1999
January 20, 1999 (Milwaukee)	April 21, 1999
February 23, 1999	May 24, 1999

At the December 2, 1998 meeting, the Special Committee reviewed a staff brief containing information on state-funded faith-based crime prevention programs in Wisconsin and other states, restorative justice and constitutional constraints on the provision of public funds to religious organizations for use in crime prevention and intervention. The Committee also heard testimony from a number of invited speakers. Walt Thieszen, Chief of Program Services, Division of Adult Institutions, DOC, described the DOC's policies with regard to practice of religion by inmates at Wisconsin prisons. Mr. Thieszen also described the functions of the state-funded chaplains who work in Wisconsin prisons. Joe Llean, Secretary, DHFS, expressed his support for the utilization of faith-based programs and discussed the work of several organizations with religious ties that have been successful in working with troubled youth. Bruce Kittle, Restorative Justice Project, University of Wisconsin (UW) Law School, discussed the principles of restorative justice and described his experiences working with crime victims. Richard Ward and Jackie Millar described their experiences as crime victims who participated in the restorative justice process. Lisa Whitney, Area Director, Prison Fellowship Ministries, described the prison ministry activities of Prison Fellowship. Following the presentations, Committee members identified various other people who they wanted to address the Committee.



At the January 20, 1999 meeting, the Committee received testimony from a number of invited speakers. Robert J. Polito, President, Faith Works International, New York, New York, discussed the Faith Works Program in New York City. Reverend Susan Vergeront discussed plans to establish a faith works program in Milwaukee. Nicky Cruz, Nicky Cruz Outreach, Colorado Springs, Colorado, described his transformation from gang leader to director of a Christian outreach program and described the activities of his program. Andrew Peyton Thomas discussed various issues and provided data related to the use of religion in fighting anti-social behavior. Paul Gordon, Union of Brothers, Inc., Milwaukee, and Terrance Ray, Milwaukee, discussed the work of the Union of Brothers, a religious-based organization which provides services to inmates and ex-prisoners. Mary Steppe, Executive Director, and Kathleen Shapiro, Project RETURN, Milwaukee, discussed the activities of Project RETURN, which assists ex-offenders in returning to the community. Deacon Bill Locke, Executive Director, Community Enterprises, Milwaukee, described the economic development and training services provided by Community Enterprises. Tom McMahan, Brickyard Ministries, Milwaukee, described the faith-based aftercare which Brickyard provides for men coming out of incarceration.

At the February 23, 1999 meeting, the Committee again heard presentations from invited speakers. Robert Woodson, Sr., President, National Center for Neighborhood Enterprises, Washington, D.C., discussed the activities of his organization and explained how faith-based anti-crime efforts have been successful throughout the United States. Carl Hardrick, Hartford, Connecticut, described his work with anti-gang initiatives in Washington, D.C., Milwaukee and elsewhere. Reverend Eugene Rivers, National TenPoint Leadership Foundation, Boston, Massachusetts, described the efforts of his organization to mobilize black churches to become involved in crime prevention efforts and discussed the reasons that faith-based approaches are successful in crime prevention. Reverend Charles Harrison, Barnes United Methodist Church, Indianapolis, Indiana, described the success of the TenPoint Coalition in preventing crime in Indianapolis. Isaac Randolph, Director, Front Porch Alliance Program, Indianapolis, Indiana, described how cooperation between the City of Indianapolis and churches in the city, which was facilitated by the alliance, has benefitted the community.

At the March 11, 1999 meeting, the Special Committee heard presentations from invited speakers regarding constitutional issues surrounding the Charitable Choice law and state interaction with religious organizations in general. Mike Dean, Attorney, Dean and McCoy, S.C., Waukesha, discussed the policies of nondiscrimination and noncoercion in government utilization of faith-based organizations. Carl Esbeck, Professor of Law, University of Missouri, discussed his involvement in the creation of the federal Charitable Choice law and discussed the neutrality principle which that law reflects. William Mellor, President and General Counsel, Institute for Justice, Washington, D.C., discussed the requirement to provide nonreligious alternatives to state-funded services provided by a religious organization, and various other church-state constitutional issues. Wayne and Sue Willis, Green Bay, who are Jewish, described the anti-semitic hostility and discrimination directed at their children in the community in the South, where they lived previously and discussed their concern that approval of a state-sanctioned religion may breed intolerance to other religious beliefs. Steven K. Green, Legal Director, Americans United for Separation of Church and State, discussed constitutional limitations on government sponsorship of faith-based programs and described specific requirements to

which such programs must adhere. Jeffrey Kassel, Attorney, Freedom From Religion Foundation, Madison, explained why he believes that the use of religious organizations to provide faith-based corrections and crime prevention services is unconstitutional.

At the April 21, 1999 meeting, the Committee heard from several invited speakers. Walter Thieszen and Marianne Cook, Division of Adult Institutions, DOC, provided detailed information on DOC policies regarding the practice of religion by inmates in Wisconsin prisons. Minister William Muhammad, Prison Reform Minister, Nation of Islam, and Mr. Ronald Beyah, Islamic Council for Wisconsin Prisons, Milwaukee, discussed their involvement in the Wisconsin prison system as religious volunteers, explained the prison reform program developed by Minister Louis Farrakhan and described difficulties they have had gaining access to inmates. Reverend Marie Yohann, Temple of the 4 Winds, Milwaukee, and Reverend Dr. Richard Cadwell, Sanctuary of the Healers' Heart, Kenosha, described their religious volunteer activities at Wisconsin prisons, provided background on the Wiccan religion and discussed problems they have had gaining access to inmates at Wisconsin prisons. Mr. Bobby Bullet St. Germaine and Mr. Sam Musquo, Madison, discussed various obstacles to the practice of Native American religions by inmates at Wisconsin prisons and discussed the importance of religion to Native American prisoners.

The Committee also discussed the proposals set forth in Committee Staff Memo No. 2, *Description of Several Possible Recommendations for Legislation* (April 20, 1999), and directed staff to prepare drafts on various topics for its review at the next meeting.

At the May 24, 1999 meeting, the Committee held a public hearing at which the following people provided testimony regarding the various proposals under consideration by the Committee: Annie Laurie Gaylor, Freedom From Religion Foundation, Madison; Leona Balek, Americans United for Separation of Church and State, Madison; Bernice Popelka, United for Diversity, Inc., Glendale; John Huebscher, Executive Director, Wisconsin Catholic Conference; Kit Murphy McNally, Executive Director, Benedict Center, Milwaukee; Adam Korbitz, Director of Governmental Relations, Lutheran Social Services, Madison; Gerald Post, Jr., New Life Prison Ministries, Whitewater; Tom O'Day, Madison; Sue Moline Larson, Lutheran Office for Public Policy in Wisconsin, Madison; and Chuck Franks, TAP Ministries, Beloit.

The Committee next reviewed and amended the following drafts, which it then approved, as amended, for recommendation to the Joint Legislative Council for introduction in the 1999-2000 Legislative Session: WLCS: 0125/1, relating to authorizing the appointment of an assistant district attorney to perform restorative justice services and making an appropriation; WLCS: 0132/1, relating to authorizing counties and the DOC to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; and WLCS: 0133/1, relating to inmate rehabilitation. The Committee reviewed and discussed WLCS: 0131/1, relating to community youth grants and decided not to proceed with the draft. The Committee discussed WLCS: 0136/1, relating to creating the office of government-sectarian facilitation and making an appropriation. However, the Committee did not have time to vote on the question of approval of that draft. Chairperson Jensen directed staff to prepare a mail ballot on the issue of Committee approval of WLCS: 0136/2, WLCS: 0139/2, relating to establishing a grant program for a neighborhood organization incubator and creating

an appropriation and a draft which he directed staff to prepare (WLCS: 0161/1), relating to performance evaluations of AODA services, based on a letter to Chairperson Jensen from Committee Member Senator Alberta Darling.

**C. STAFF MATERIALS AND OTHER MATERIALS**

**Appendix 3** lists all of the materials received by the Special Committee on Faith-Based Approaches to Crime Prevention and Justice. The following document, prepared by the Legislative Council Staff, may be of particular interest to persons interested in the work of the Committee:

- Staff Brief 98-11, *Background Information on Faith-Based Approaches to Crime Prevention and Justice* (November 25, 1998; corrected December 4, 1998).

### **PART III**

#### **BACKGROUND; DESCRIPTION OF BILL**

This Part of the Report provides background information on, and a description of, 1999 Assembly Bill 533, introduced by the Joint Legislative Council.

**1999 ASSEMBLY BILL 533, RELATING TO AUTHORIZING THE APPOINTMENT OF ASSISTANT DISTRICT ATTORNEYS TO PROVIDE RESTORATIVE JUSTICE SERVICES; AUTHORIZING COUNTIES AND THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH RELIGIOUS ORGANIZATIONS FOR THE PROVISION OF SERVICES RELATING TO DELINQUENCY AND CRIME PREVENTION AND THE REHABILITATION OF OFFENDERS; INMATE REHABILITATION; CREATING THE OFFICE OF GOVERNMENT-SECTARIAN FACILITATION; ESTABLISHING A GRANT PROGRAM FOR A NEIGHBORHOOD ORGANIZATION INCUBATOR; DISTRIBUTING FUNDING FOR ALCOHOL AND OTHER DRUG ABUSE SERVICES; AND MAKING APPROPRIATIONS**

**A. ESTABLISHMENT OF THREE ASSISTANT DISTRICT ATTORNEY POSITIONS TO ENGAGE IN RESTORATIVE JUSTICE**

**1. Background**

During its deliberations, the Special Committee heard testimony in support of a “restorative justice” alternative to the traditional criminal justice system. Restorative justice is a practice that rejects the notion that crime, including delinquent acts, should be viewed simply as a violation against the state. Crime is seen instead as an act carried out against the victim and the local community. Thus, rather than the government alone determining the response to a crime, as in the traditional criminal justice system, restorative justice involves the victim, offender and community in determining how to address the harm caused by the commission of a crime. One common restorative justice practice involves the establishment of a panel of neighborhood residents who meet to discuss the impact of a crime and collaboratively, with all stakeholders, work to develop a plan to repair the harm caused by the criminal or delinquent act. Another common restorative justice practice is victim-offender conferencing, where an offender meets with the victim or a member of the victim’s family and other appropriate persons in order to: (a) discuss the impact of the offense on the victim and the community; (b) provide support to the victim and facilitate the reintegration of the victim into community life; (c) explore appropriate restorative responses by the offender; and (d) facilitate the reintegration of the offender into community life.

**2. Description of Bill**

The bill authorizes the appointment of one assistant district attorney project position each for Dane County, Milwaukee County and an additional county to be determined by the Attorney General in consultation with the DOC. The assistant district attorneys are to develop and operate

restorative justice programming in these counties and assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. The bill appropriates \$108,300 GPR in fiscal year 1999-2000 and \$144,300 GPR in fiscal year 2000-01 for these purposes.

The bill requires the assistant district attorneys funded under the bill to establish restorative justice programming that provides a forum where an offender meets with his or her victim or engages in other activities to:

- a. Discuss the impact of the crime on the victim or on the community;
- b. Provide support to the victim and methods for reintegrating the victim into community life;
- c. Explore potential restorative responses by the offender; and
- d. Provide methods for reintegrating the offender into community life.

The bill requires the assistant district attorneys funded under the bill to maintain records regarding restorative justice activities and to submit to the DOA annual reports describing the restorative justice activities undertaken, including the number of victims and offenders served, the types of crimes or juvenile offenses involved and the rates of recidivism among offenders served by restorative justice programming.

The restorative justice assistant district attorney project positions created under the bill expire after June 30, 2003. In order to aid the Legislature in determining whether to continue these positions by making them permanent, the Legislative Audit Bureau is required by October 1, 2002 to conduct a quantitative and qualitative evaluation of the success of restorative justice programming in serving victims, offenders and communities affected by crime and to report these findings to the appropriate committees of the Legislature, as determined by the Speaker of the Assembly and the President of the Senate, under s. 13.172 (3), Stats.

## **B. NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS**

### **1. Background**

The Federal Personal Responsibility and Work Opportunity Act of 1996 contains a provision known as the "Charitable Choice" law [403 U.S.C. s. 604]. During its deliberations, the Special Committee heard testimony regarding the history, purpose and constitutionality of this law.

Under the Charitable Choice law, a state is authorized to administer and provide social services through contracts with charitable, religious or private organizations and provide beneficiaries of state assistance with certificates, vouchers or other forms of disbursement which are redeemable with such organizations. Specifically, the law applies to services funded by Temporary Assistance for Needy Families (TANF) block grants. (TANF replaces the Aid to Families

with Dependent Children Program on the federal level.) It also applies to food stamp, Medicaid and Supplemental Security Income Programs.

The stated purpose of the Charitable Choice law is to allow states to contract with religious organizations, or to allow religious organizations to accept certifications, vouchers or other forms of disbursement on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of assistance funded under such program. In particular, the law provides that, in the event that a state exercises its authority to contract with private, charitable or religious organizations, religious organizations are eligible on the same basis as any other private organizations to contract to provide assistance or accept various forms of disbursement as long as their programs are implemented consistent with the Establishment Clause of the First Amendment to the U.S. Constitution. The Establishment Clause provides, in part, that: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . .” Consistent with the Establishment Clause constraints, the Charitable Choice law specifies that no funds provided directly to institutions or organizations to provide services and administer programs may be expended for sectarian worship, instruction or proselytization.

State versions of the federal Charitable Choice law were enacted as part of the 1997-98 Biennial Budget Act (1997 Wisconsin Act 27). These provisions address the issue of discrimination against religious organizations that apply for DHFS or DWD contracts or grants.

Under the state nondiscrimination provisions, which are virtually identical to provisions of the federal Charitable Choice law, DHFS and DWD are authorized to contract with, or award grants to, religious organizations on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. The programs must be implemented consistent with both the Establishment Clause of the U.S. Constitution, which is applicable to state governments by operation of the Fourteenth Amendment to the U.S. Constitution, and a similar, but somewhat broader, provision of the Wisconsin Constitution that requires, in part, that: “nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries” [art. I, s. 18, Wis. Const.].

## **2. Description of Bill**

The bill creates nondiscrimination provisions comparable to the provisions that currently apply to the DHFS and DWD and the federal Charitable Choice law, as described in Section 1., above. Under these provisions, the DOC and counties are authorized to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

In particular, the nondiscrimination statutory provisions created under this bill include the following requirements:



- *Nondiscrimination against religious organizations.* The bill specifies that if the DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. and Wisconsin Constitutions. The bill prohibits the DOC or a county from discriminating against an organization on the basis that the organization does or does not have a religious character or because of the specific religious nature of the organization.
- *Religious character and freedom.* The bill specifies that a religious organization that receives a grant from, or contracts with, the DOC or a county retains its independence from federal, state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs. The bill prohibits the DOC or a county from requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from, the DOC or a county.
- *Rights of beneficiaries of assistance.* The bill specifies that if an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by the DOC or a county, the DOC or the county must provide the individual assistance of equal value from a nonreligious provider that is accessible to the individual if the individual so requests. Both the DOC and counties are required to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider.
- *Employment practices.* The bill specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C. s. 2000e-1a] is not affected by its participation in programs administered by the DOC or a county.
- *Nondiscrimination against beneficiaries.* The bill prohibits a religious organization from discriminating against an individual in regard to rendering services funded under any DOC or county program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.
- *Fiscal accountability.* The bill specifies that any religious organization that receives grant funding from, or contracts with, the DOC or a county is subject to the same requirements as other contractors and grantees regarding accounting in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding

from the DOC or the county into separate accounts, only the financial assistance provided with these funds is subject to an audit.

- *Limitations on the use of funds for certain purposes.* The bill prohibits any religious organization that receives funding from the DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.
- *Certification of compliance.* The bill requires every religious organization that contracts with, or receives a grant from, the DOC or a county for crime prevention or rehabilitation assistance to certify in writing that it has complied with the proscription against discrimination based on religion, religious belief or refusal to actively participate in a religious practice and the proscription against the expenditure of public funds for sectarian worship, instruction or proselytization. Each organization is also required to furnish the department or county board with a copy of this certification and a written description of the policies which the organization has adopted to ensure compliance with these proscriptions.
- *Remedy for violation.* The bill specifies that any party that seeks to enforce its rights under this law may assert a civil action for injunctive relief in an appropriate court against the entity or agency that allegedly commits such violation.
- *Preemption.* The bill specifies that nothing in the provisions described above should be construed to preempt any other provision of state law, federal law or the U.S. or Wisconsin Constitutions that prohibits or restricts the expenditure of state funds in or by religious organizations.

### **C. INMATE REHABILITATION**

#### **1. Background**

The DOC provides various services to inmates of Wisconsin prisons. Currently, inmate rehabilitation programs operated within prisons either are operated by DOC staff or provided by purchase from other providers.

At several of its meetings, the Special Committee heard testimony regarding the effectiveness of inmate rehabilitation programs operated by religious organizations. It was stated that there is a lower rate of recidivism among inmates who participate in such programs than among the general prison population. These programs do not require participating inmates to make statements of faith nor is a religious affiliation required to participate. The programs which have achieved the greatest success provide services to inmates after they have been released into the community, such as mentoring, help in finding housing and employment and a support network.



## **2. Description of Bill**

The bill authorizes the DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in the Milwaukee AODA treatment facility (the facility) which is scheduled to commence operations in January 2001, if:

- a. The organization meets all the requirements set forth in the bill;
- b. The operation of the program does not constitute a threat to the security of the facility or to the safety of inmates or the public; and
- c. The DOC determines that operation of the program is in the best interests of the inmates.

An organization that wants to operate an inmate rehabilitation program in the facility must submit to the DOC a detailed proposal for the operation of a program which includes all of the following:

- a. A description of the services to be provided, including aftercare services and a description of the geographic area in which aftercare services will be provided.
- b. A description of the activities to be undertaken and the approximate daily schedule of programming for inmates participating in the program.
- c. A description of the qualifications of the persons providing services.
- d. A statement of the organization's policies regarding eligibility of inmates to participate in the program.
- e. A statement of the goals of the program.
- f. A description of the methods by which the organization will evaluate the effectiveness of the program in attaining the goals under item e.
- g. Any other information specified by the DOC.

To be eligible to operate an inmate rehabilitation program in the facility, an organization must agree in writing to all of the following:

- a. The organization may not receive compensation from the DOC for services provided in the rehabilitation program.
- b. The organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief. The organization may suspend or terminate an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.

c. An inmate may withdraw from the participation in the program at any time.

d. Upon the inmate's release, the organization must provide community-based aftercare services for each inmate who completes the program and who resides within the geographic area in which the organization is providing such services.

The bill provides that DOC must establish policies which provide reasonable access to inmates by an organization operating an inmate rehabilitation program established under the bill.

The bill requires the DOC to designate a specific portion of the facility for operation of the program. To the extent possible, inmates participating in the program must be housed in the portion of the facility in which the program is operated.

The bill provides that the DOC may not require an inmate to participate in an inmate rehabilitation program created under this bill. The bill further provides that the DOC may not base any decision regarding an inmate's conditions of confinement, including discipline or an inmate's eligibility for release, on an inmate's decision to participate or not participate in an inmate rehabilitation program established under the bill. In addition, the treatment of inmates, including the provision of housing, activities in which an inmate may participate, freedom of movement and work assignments must be substantially the same for inmates who participate in a program and for those who do not.

The bill provides that DOC may restrict an inmate's participation in an inmate rehabilitation program established under the bill only if such restriction is necessary for the security of the facility or the safety of the inmates or the public.

The bill authorizes the DOC to suspend or terminate operation of an inmate rehabilitation program established under the bill if the organization operating the program fails to comply with any of the requirements set forth in the bill and requires DOC to suspend or terminate the program if the DOC determines that suspension or termination of the program is necessary for the security of the facility or the safety of the inmates or the public or that suspension or termination is in the best interests of the inmates.

The bill requires the DOC to evaluate or contract with a private or public agency for an evaluation of the effectiveness of the program in reducing recidivism and AODA. The bill requires DOC to collect the data and information necessary to evaluate the program and to submit a report of the evaluation to the Governor and the appropriate standing committees of the Legislature.

Under current law, the Parole Commission may deny presumptive mandatory release to an inmate on the grounds that the inmate has refused to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender. The bill specifies that the Parole Commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in an inmate rehabilitation program established under the bill.

The bill provides that the provisions described above expire two years after an inmate rehabilitation program established under the bill begins operation.

## **D. ESTABLISHMENT OF THE OFFICE OF GOVERNMENT-SECTARIAN FACILITATION**

### **1. Background**

Throughout the course of its deliberations, the Special Committee heard testimony that both faith-based organizations and government agencies are sometimes unsure of their rights and responsibilities under the new federal Charitable Choice Law and its Wisconsin counterpart. For this reason, it has been said, the Charitable Choice provisions are not being implemented as effectively as possible.

### **2. Description of Bill**

The bill creates a temporary office of government-sectarian facilitation in the DOA. The office is headed by an official titled “the facilitator” and is to operate for three years (from November 1, 1999 to November 1, 2002).

The facilitator is nominated by the Governor, and with the advice and consent of the Senate appointed, to serve at the pleasure of the Governor. The facilitator may not be a member of the board of directors, be otherwise involved in the governance or control of, or be employed by, any faith-based organization eligible for funding to provide government services under the bill. In addition, the facilitator must have experience relevant to the operation of nonprofit organizations or state or local government and must have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

The bill appropriates \$57,600 GPR in 1999-2000 and \$67,400 GPR in 2000-01 for the office of government sectarian-facilitation, and increases by one full-time equivalent (FTE) the authorized project positions for the DOA.

The office of government-sectarian facilitation is required to: (a) assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations, commonly referred to as “Charitable Choice”; and (b) facilitate interaction between faith-based organizations and state and local government. Specifically, the office must do all of the following:

a. Provide information about laws regarding nondiscrimination against faith-based organizations.

b. Assist government agencies in utilizing the services of faith-based organizations in the provision of governmental services.

c. Assist faith-based organizations in their efforts to participate in the provision of governmental services.

d. Compile and provide to the public information on governmental services available through faith-based organizations.

e. Monitor compliance by faith-based organizations that it assists with laws which provide that: (1) a religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by a state agency or a county on the basis of religion, a religious belief or refusal to actively participate in a religious practice; and (2) no funds provided directly to religious organizations by the state or a county may be expended for sectarian worship, instruction or proselytization.

f. Conduct an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of authorized governmental services, and the extent to which faith-based organizations comply with the laws discussed above. The office must also develop recommendations to increase government utilization of the services of faith-based organizations.

The bill requires the office to submit a report of the evaluation and recommendations to the appropriate standing committees of the Legislature, as determined by the Speaker of the Assembly and President of the Senate under s. 13.72 (3), and the Governor no later than October 1, 2002.

## **E. ESTABLISHMENT OF A NEIGHBORHOOD ORGANIZATION INCUBATOR GRANT PROGRAM**

### **1. Background**

Throughout the course of its deliberations, the Special Committee heard testimony that some neighborhood organizations are motivated to provide services to neighborhood residents directed at community concerns such as the need for after-school recreation for children; prevention and counseling services relating to child abuse, domestic abuse and alcohol and other drug problems; diversion of youth from gang activities, crime prevention, and inmate and ex-offender rehabilitation or aftercare. Many people who testified to the Special Committee stated their belief that small neighborhood organizations are often more effective at addressing social problems than are organizations that do not have their “roots” in the neighborhood. However, many neighborhood organizations do not have the time, resources or technical expertise to gain access to sources of funding that may enable them to address social concerns.

### **2. Description of Bill**

The bill authorizes the DHFS to award an “incubator grant” to an agency to enable the agency to assist neighborhood organizations to obtain funding and expand their services.

Under the bill, a “neighborhood organization” means a community-based private, non-profit organization that provides any of the following services primarily to residents of the area in which the organization is located:

- a. Crime prevention.
- b. After-school and recreational programs for youth.
- c. Child and domestic abuse prevention services.
- d. AODA counseling and prevention.
- e. Diversion of youth from gang activities.
- f. Inmate and ex-offender rehabilitation or aftercare.

Specifically, the bill authorizes the DHFS to award a grant to a community-based public or private, nonprofit organization (“an agency”) upon submission of an application containing a plan detailing the proposed use of the grant. The bill appropriates \$100,000 GPR in each year of the 1999-2001 biennium for these grants. The bill does not specify the amount or duration of grants awarded under the program.

A grant recipient is required to do all of the following:

- a. Provide information to neighborhood organizations about sources of public and private funding.
- b. Assist neighborhood organizations in obtaining funding and other assistance from public and private entities.
- c. Act as a liaison between the neighborhood organizations and the public and private funding sources.
- d. Provide appropriate training and professional development services to members of neighborhood organizations.
- e. Engage in outreach efforts to inform neighborhood organizations of the services available from the agency.
- f. Undertake other activities to facilitate the effectiveness and development of neighborhood organizations.

The agency receiving a grant is required to submit to the DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

## **F. AODA PERFORMANCE EVALUATIONS**

### **1. Background**

The DHFS and the DOC administer various programs which provide funding for AODA intervention and treatment services. The Special Committee heard testimony that some AODA programs that receive funding administered by DHFS and DOC are not as effective as other programs that are available but do not receive such funding.

### **2. Description of Bill**

The bill requires DHFS and DOC to do all of the following:

- a. Develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services and develop performance standards for those services.
- b. Adopt policies to ensure that to the extent possible under state and federal law, all funding for AODA intervention and treatment services which they administer is distributed based on the effectiveness of the services in meeting the department performance standards.
- c. Require every application for funding for AODA intervention or treatment services to include a plan for the evaluation of the effectiveness of the services in reducing alcohol and other drug abuse by recipients of the services.
- d. Require every recipient of DOC or DHFS funding for AODA services to provide to DHFS or DOC information necessary to evaluate the effectiveness of the services funded.

MM:SPH:tlu:rv:ksm;wu;jal



**APPENDIX 1**

**JOINT LEGISLATIVE COUNCIL**

s. 13.81, Stats.

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**APPENDIX 2**

**FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE,  
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**STUDY ASSIGNMENT:** The Committee is directed to study means by which faith-based approaches to lessening crime rates, lowering recidivism and achieving restorative justice in the aftermath of criminal acts may be encouraged. The Special Committee shall report its recommendations to the Joint Legislative Council by May 1, 1999. [Based on a May 28, 1998 memorandum from Rep. Scott Jensen.]

Established and Chairperson appointed by a June 24, 1998 mail ballot; members appointed by a September 4, 1998 mail ballot.

**18 MEMBERS:** 1 Senator; 7 Representatives; 9 Public Members; and 1 Nonvoting Public Member.

**LEGISLATIVE COUNCIL STAFF:** Shaun Haas, Senior Staff Attorney; Mary Matthias, Senior Staff Attorney; and Kelly Mautz, Administrative Staff.

<sup>(1)</sup> Appointed by a March 4, 1999 mail ballot.



**APPENDIX 3**

**COMMITTEE MATERIALS**

**Staff Materials**

1. Staff Brief 98-11, *Background Information on Faith-Based Approaches to Crime Prevention and Justice* (November 25, 1998; corrected December 4, 1998).
2. Memo No. 1, *Description of the Decision of the U.S. Court of Appeals (Seventh Circuit) in Kerr v. Farrey*, 95 F. 3rd 472 (1996) (January 12, 1999).
3. Memo No. 2, *Description of Several Possible Recommendations for Legislation* (April 20, 1999).
4. Memo No. 3, *Modifications to Drafts Under Consideration by the Special Committee Proposed by Representative Spencer Black* (May 13, 1999).
5. Memo No. 4, *Responses to Prison Chaplain Survey* (May 17, 1999).
6. Memo No. 5, *Proposals From Committee Member Reverend Keith Dobbe* (May 17, 1999).
7. Provisions of the Department of Corrections (DOC) administrative rules relevant to the practice of religion by inmates (undated).

**Other Materials**

1. *Report: Crime, Drugs and Religion*, submitted by Vaso Bjegovich, Jr., Nicky Cruz Outreach (undated).
2. Testimony submitted by DOC (December 2, 1998).
3. Article, "Houses of Worship," *From Gangs to God*, submitted by Committee Member Vaso Bjegovich (undated).
4. Article, "Let state use caution with faith groups," *Milwaukee Journal Sentinel*, submitted by Chairperson Jensen (November 29, 1998).
5. Franklin, Dick, *Religious Programs in Prison: Are They Effective?*, submitted by Lisa Whitney, Area Director, Prison Fellowship Ministries.
6. *FY99 Budgeted Chaplaincy Costs at Department of Corrections Facilities*, distributed by DOC (revised November 30, 1998).
7. Letter, from Chuck Franks, *Turning Around Prisoners* (December 1, 1998).
8. Pamphlet, *Victim Offender Conferencing*, Restorative Justice Project, Frank J. Remington Center, University of Wisconsin (UW) Law School (undated).

9. Article, "A Healing Approach to Crime," *The Progressive*, submitted by Bruce Kittle, Restorative Justice Project, UW Law School (September 1998).
10. Pamphlet, *Top Ten Questions About Prison Fellowship*, Prison Fellowship Ministries, submitted by Lisa Whitney, Area Director, Prison Fellowship Ministries (undated).
11. Testimony submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (undated).
12. Document, *The Criminal Justice Missions Connection*, Restorative Justice Ministries Network of Texas, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (October 1, 1998).
13. Conferencing newsletter, *Real Justice Forum*, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (undated).
14. Document, *1998 Criminal Justice Ministry Conference*, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (undated).
15. Document, *The Restorative Justice Ministry Network*, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (undated).
16. Report, *Faith in Action . . . A New Vision for Church-State Cooperation in Texas*, Governor's Advisory Task Force on Faith-Based Community Service Groups, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (December 1996).
17. Report, *Religion Behind Bars: A report on the extent to which prisoners exercise their First Amendment right to freedom of religion*, First Amendment Center Religion Behind Bars, submitted by Thom McMahan, Assistant Correctional Services Director, Salvation Army, Wisconsin and Upper Michigan Division (undated).
18. Memorandum from Walt Thieszen, Division of Adult Institutions, DOC, regarding religious practice requests (February 15, 1999).
19. *A Guide to Charitable Choice*, The Center for Public Justice, Washington, DC, and the Christian Legal Society's Center for Law and Religious Freedom, Annandale, Virginia (January 1997), submitted by Committee Member Reverend Susan Vergeront. (Distributed to Committee members only.)
20. *The Twenty-First Century City, Resurrecting Urban America*, Stephen Goldsmith, Mayor, Indianapolis, Indiana, submitted by Chairperson Jensen (undated).
21. "Jeremiah's Call," *PRISM*, submitted by Chairperson Jensen (March/April 1998).

22. Testimony submitted by Andrew Peyton Thomas (January 20, 1999).
23. Handout, *A TenPoint Plan for a National Church Mobilization to Combat Black on Black Violence*, National TenPoint Leadership Foundation (undated).
24. Press Release, *National Youth Violence and Self-Help Leaders Woodson and Rivers Call for Matching "Zero Tolerance for Violence With Investment in Grassroots Solutions,"* submitted by Robert Woodson, Sr., President, National Center for Neighborhood Enterprise, and Reverend Eugene Rivers (February 23, 1999).
25. "God vs. Gangs," *Newsweek* (June 1, 1998).
26. Book, *Violence-Free Zone Initiatives*, submitted by Robert Woodson, Sr., President, National Center for Neighborhood Enterprise (undated).
27. Esbeck, Carl H., *The Neutral Treatment of Religion and Faith-Based Social Service Providers: Charitable Choice and Its Critics*, Chapter 7 in *Welfare Reform and the Role of Faith-Based Organizations*, Derek H. Davis ed., J.M. Dawson Institute of Church-State Studies, Waco, TX (1999).
28. Pranis, Kay, "From Vision to Action, Some Principles of Restorative Justice," *Church & Society* (March/April 1997), submitted at the request of Committee Member David Lerman.
29. DePaulo, Lisa, "What Would Jesus Do?," *George* (November 1998), distributed at the request of Committee Member Rabbi Sidney Vineburg.
30. Letter, from Nicholas L. Chiarkas, State Public Defender, regarding an upcoming forum on the topic of "Crime and Punishment: Reality vs. Myth," sponsored by the Office of the State Public Defender (March 1, 1999). (Distributed to Committee members only.)
31. Article, "Is the Wisconsin Department of Corrections' "Criminal Thinking" Course Really "Brainwashing?,"" *Wisconsin Defender* (December 1998).
32. Testimony submitted by Carl H. Esbeck, University of Missouri, Columbia School of Law (March 11, 1999).
33. Handout, *Constitutional Limitations on State Funding of Social Services Provided by Religious Organizations: Why Public Funding of "Faith-Based" Services is Unconstitutional*, submitted by Jeffrey J. Kassel, Attorney, LaFollette Sinykin, LLP (March 10, 1999).
34. Statement of Steven K. Green, Legal Director for Americans United for Separation of Church and State (March 11, 1999).
35. Report 98-1, *Faith-Based Outreach to At-Risk Youth in Washington, D.C.*, The Jeremiah Project, An Initiative of the Center for Civic Innovation (undated).
36. Report 98-2, *Religion: The Forgotten Factor In Cutting Youth Crime and Saving At-Risk Urban Youth*, The Jeremiah Project, An Initiative of the Center for Civic Innovation (undated).

37. Report 98-3, *Living Faith: The Black Church Outreach Tradition*, The Jeremiah Project, An Initiative of the Center for Civic Innovation (undated).
38. Information relating to *Youth Gang Diversion Grant Projects* and the *Office of Gang Intervention & Prevention*, Department of Corrections (February 23, 1999).
39. Legislative Fiscal Bureau Informational Paper #52, *Substance Abuse Programs* (January 1999). (Distributed to Committee members only.)
40. Information on the Milwaukee Safe & Sound program (undated).
41. Packet of materials relating to Wiccan practices and beliefs, distributed at the request of Reverend Marie Yohann (undated).
42. Article, "Support the Nation of Islam's Prison Reform Ministry," *Torchlight for America*, submitted by Mr. Ronald Beyah, Wisconsin Council of Muslim Prisons (undated).
43. Article, "Should All Be Forgiven?", *Time*, submitted by Chairperson Jensen (April 5, 1999).
44. Letter, to R.J. Pirlot, from Mark Welch, 1st Nation Spiritual Advisor at Columbia Correctional Institution, submitted by Bobby Bullet St. Germaine (April 16, 1999).
45. Testimony submitted by Reverend Brenda A. Stein, Sanctuary of the Healers' Heart, submitted by Reverend Doctor Richard Cadwell, Sanctuary of the Healers' Heart (April 21, 1999).
46. Testimony submitted by Reverend Dr. Richard M. Cadwell, Sanctuary of the Healers' Heart (April 21, 1999).
47. Report, *The Role of Faith-Based Organizations in Crime Prevention and Justice*, Edmund McGarrell, Director, and Greg Brinker, Research Fellow, Hudson Institute Crime Control Policy Center, and Diana Etindi, Research Fellow, Hudson Institute Welfare Policy Center, submitted by Chairperson Jensen (April 1999).
48. Excerpt from *A Torchlight for America*, by the Honorable Minister Louis Farrakhan, submitted by Mr. Ronald Beyah, Wisconsin Council of Muslim Prisons (undated).
49. Handout, *Aboriginal Programming for Correctional Service*, submitted by Mr. Bobby Bullet St. Germaine (undated).
50. Handout, *Process for Review of Inmate Religious Practice Requests*, submitted by Mr. Walt Thieszen, DOC (undated).
51. Letter, from Jon Litscher, Secretary, DOC (May 17, 1999).
52. Memorandum, *Religious Practice Questions and Issues*, from Walter D. Thieszen, Chief, Program Services, Division of Adult Institutions, DOC (May 14, 1999).

53. Article, "Have faith, get funding," *Isthmus*, distributed at the request of Representative Spencer Black (March 19, 1999).
54. Letter, from Chuck Franks, Turning Around Prisoners (May 15, 1999).
55. Testimony submitted by Kit Murphy McNally, Executive Director, The Benedict Center (May 24, 1999).
56. E-mail, *WITS religious preference data*, submitted by Walter Thieszen, DOC (April 27, 1999).
57. Memorandum, *Committee Recommendations*, from Senator Alberta Darling (May 17, 1999).
58. Pamphlet, *United for Diversity*, submitted by Bernice B. Popelka (undated).
59. Amendments to proposals of the Special Committee submitted by Committee Member David Lerman (undated).
60. Testimony submitted by Bernice Popelka (May 24, 1999).
61. Testimony submitted by Paula Simon, Executive Director, Milwaukee Jewish Council for Community Relations (May 24, 1999).
62. Testimony submitted by John Huebscher, Executive Director, Wisconsin Catholic Conference (undated).
63. Article, "Gore Backs Federal Money for Church Social Service Programs," *The New York Times*, submitted by Chairperson Jensen (May 25, 1999).
64. Testimony submitted by Leona E. Balek, President, South-Central WISCONSIN Chapter, Americans United for Separation of Church and State (May 24, 1999).
65. Table, *Adults Under Institution Supervision; All Adults on December 31, 1998; Table of Supvinst by Raceth*, submitted by Walt Thieszen, DOC (undated).
66. Letter, from Joe Leraan, Secretary, Department of Health and Family Services, and Jon Litscher, Secretary, DOC (August 3, 1999).